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SERMON,

PREACHED AT THE

ASSIZES AT DURHAM

JULY 29th, 1795;

AND PUBLISHED AT THE REQUEST OF

The LORD BISHOP,

The Honorable the JUDGES of Assize,

And the GRAND JURY;

By WILLIAM PALEY, D. D.

RECTOR OF BISHOP WEARMOUTH,

&c.

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1795.

TO

THE HONORABLE AND RIGHT REVEREND,

SHUTE,

BY DIVINE PROVIDENCE,

LORD BISHOP OF DURHAM,

THE FOLLOWING DISCOURSE,

AS A SMALL, BUT SINCERE,

EXPRESSION OF GRATITUDE,

FOR A GREAT, UNSOLICITED, AND UNEXPECTED

FAVOR,

IS INSCRIBED

BY HIS FAITHFUL,

AND MOST OBLIGED SERVANT,

WILLIAM PALEY.

ROM. xiv. 7.

"*For none of us liveth to himſelf.*"

THE uſe of many of the precepts and maxims of ſcripture, is not ſo much to preſcribe actions, as to generate ſome certain turn and habit of thinking: and they are then only applied as they ought to be, when they furniſh us with ſuch a view of, and ſuch a way of conſidering, the ſubject to which they relate, as may rectify and meliorate our diſpoſitions; for from diſpoſitions, ſo rectified and meliorated, particular good actions, and particular good rules of acting, flow of their own accord. This is true of the great chriſtian maxims of loving our neighbour as ourſelves; of doing to others, as we would that others ſhould do to us; and (as will appear,

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I hope, in the ſequel of this diſcourſe) of that of the text. Theſe maxims being well impreſſed, the detail of conduct may be left to itſelf. The ſubtleties of caſuiſtry, I had almoſt ſaid the ſcience, may be ſpared. By preſenting to the mind one fixed conſideration, ſuch a temper is at length formed within us, that our firſt impreſſions and firſt impulſes are ſure almoſt of being on the ſide of virtue; and that we feel likewiſe an almoſt irreſiſtible inclination to be governed by them. When this diſpoſition is perfected, the influence of religion, as a moral inſtitution, is ſufficiently eſtabliſhed.

It is not in this way, but in another, that human laws, eſpecially the laws of free countries, proceed to attain their objects. Foraſmuch as *their* ultimate ſanctions are to be diſpenſed by fallible men, inſtead of an unerring and omniſcient judge, the ſafety, as well as the liberty, of the ſubject, requires, that diſcretion ſhould be bound down by preciſe rules both of acting, and of judging of actions. Hence lawgivers have been obliged to multiply directions and prohibitions without number: and this neceſſity, for ſuch I acknowledge it to be, hath drawn them into a prolixity, which incumbers the law as a ſcience to thoſe who ſtudy or adminiſter it; and ſometimes perplexes it, as a rule of conduct, to thoſe who have nothing to do with it, but to obey it. Yet ſtill they find themſelves unable to make laws as faſt as occaſions demand them: they find themſelves

ſelves perpetually called upon to purſue, by freſh paths, the inventive verſatility of human fraud, or to provide for new and unforeſeen varieties of ſituation. Now ſhould religion, which profeſſes to guide the whole train and range of a man's conduct, interior as well as external, domeſtic as well as civil; and which, conſequently, extends the operations of its rules to many things which the laws leave indifferent and uncontrolled; ſhould religion, I ſay, once ſet about to imitate the preciſion of human laws, the volume of its precepts would ſoon be rendered uſeleſs by its bulk, and unintelligible by its intricacy. The religion of Mahomet, as might be expected from the religion of a military prophet, conſtituted itſelf into the law of the ſtates into which it was received. Aſſuming the functions of legiſlators and magiſtrates, in conjunction with the character of interpreters of the Koran and depoſitaries of the ſupplemental laws of the religion, the ſucceſſors of the Arabian have, under the name of traditionary rules, compiled a code for the direction of their followers in almoſt every part of their conduct. The *ſeventy-five thouſand* precepts of that code* ſerve only to ſhew the futility of the attempt; to prove by experiment, that religion can only act upon human life by general precepts, addreſſed and applied to the diſpoſi-

* See Hamilton's tranſlation of the Hedaya or Guide.

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tion; that there is no ground for the objection, that has ſometimes been made to chriſtianity, that it is defective, as a moral inſtitution, for the want of more explicit, more circumſtantial, and more accurate directions; and that when we place by the ſide of each other human and divine laws, without underſtanding the diſtinction in the two methods by which they ſeek to attain their purpoſe, and the reaſon of that diſtinction, we form a compariſon between them, which is likely to be injurious to both. We may find fault with the ſcriptures, for not giving us the preciſion of civil laws; and we may blame the laws, for not being content with the conciſeneſs and ſimplicity of ſcripture: and our cenſure in both caſes be unfounded and undeſerved.

The obſervation of the text is exactly of the nature I have been alluding to. It ſupplies a principle. It furniſhes us with a view of our duty, and of the relations in which we are placed, which, if attended to (and no inſtruction can be of uſe without that), will produce in our minds juſt determinations, and, what are of more value, becauſe more wanted, efficacious motives.

"None of us liveth to himſelf." We ought to regard our lives (including under that name our faculties, our opportunities, our advantages of every kind) not as mere inſtruments of perſonal gratification, but as due to the ſervice of God;

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and as given us to be employed in promoting the purpoſe of his will in the happineſs of our fellow creatures. I am not able to imagine a turn of thought which is better than this. It encounters the antagoniſt, the check, the deſtroyer of all virtue, ſelfiſhneſs. It is intelligible to all: to all in different degrees applicable. It inceſſantly prompts to exertion, to activity, to beneficence.

In order to recommend it, and in order to render it as uſeful as it is capable of being made, it may be proper to point out, how the force and truth of the Apoſtle's aſſertion bears upon the different claſſes of civil ſociety. And in this view, the deſcription of men, which firſt, undoubtedly, offers itſelf to our notice, is that of men of public characters; who poſſeſs offices of importance, power, influence and authority. If the rule and principle, which I am exhibiting to your obſervation, can be ſaid to be made for one claſs of mankind more than another, it is for them. "*They*, certainly, live not to themſelves." The deſign, the tenure, the condition of their offices; the public expectation, the public claim, conſign their lives and labours, their cares and thoughts and talents, to the public happineſs, whereinſoever it is connected with the duties of their ſtations, or can be advanced by the fidelity of their ſervices. There may be occaſions and emergencies when men are called upon to take part in the public ſervice, out of the

line of their profeſſions, or the ordinary limits of their vocation. But theſe emergencies occur, I think, ſeldom. The neceſſity ſhould be manifeſt, before we yield to it. A too great readineſs to ſtart out of our ſeparate precincts of duty, in order to ruſh into provinces which belong to others, is a dangerous exceſs of zeal. In general the public intereſt is beſt upheld, the public quiet always beſt preſerved, by each one attending cloſely to the proper and diſtinct duties of his ſtation. In ſeaſons of peril or conſternation, this attention ought to be doubled. Dangers are not beſt oppoſed by tumultuous or diſorderly exertions; but by a ſedate, firm, and calm reſiſtance, eſpecially by that regular and ſilent ſtrength, which is the collected reſult of each man's vigilance and induſtry in his ſeparate ſtation. For public men therefore to be active in the ſtations aſſigned to them, is demanded by their country in the hour of her fear or danger. If ever there was a time, when they that rule "ſhould rule with diligence;" when ſupineneſs, negligence, and remiſſneſs in office, when a timidity or love of eaſe, which might in other circumſtances be tolerated, ought to be proſcribed and excluded, it is the preſent. If ever there was a time to make the public feel the benefit of public inſtitutions, it is this.

But I ſhall add nothing more concerning the obligation which the text, and the leſſon it conveys, impoſes upon pub-

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lic men, becauſe I think that the principle is too apt to be conſidered as appertaining to them alone. It will therefore be more uſeful to ſhew, how what are called private ſtations, are affected by the ſame principle. I ſay what are called private ſtations, for ſuch they are, only as contradiſtinguiſhed from public truſts, publicly and formally confided. In themſelves, and accurately eſtimated, there are few ſuch; I mean that there are few ſo deſtined to the private emolument of the poſſeſſor, as that they are innocently occupied by him, when they are occupied with no other attention but to his own enjoyment. Civil government is conſtituted for the happineſs of the governed, and not for the gratification of thoſe who adminiſter it. Not only ſo, but the gradations of rank in ſociety are ſupported, not for the advantage or pleaſure of thoſe who poſſeſs the higheſt places in it, but for the common good; for the ſecurity, the repoſe, the protection, the encouragement of all. They may be very ſatisfactorily defended upon this principle: but then this principle caſts upon them duties. In particular it teaches every man who poſſeſſes a fortune, to regard himſelf as in ſome meaſure occupying a public ſtation; as obliged to make it a channel of beneficence, an inſtrument of good to others, and not merely a ſupply to himſelf of the materials of luxury, oſtentation, or avarice. There is a ſhare of power and influence neceſſarily

attendant upon property; upon the right or the wrong uſe of which, the exertion or the neglect, depends no little part of the virtue or vice, the happineſs or miſery of the community. It is in the choice of every man of rank and property, to become the benefactor or the ſcourge, the guardian or the tyrant, the example or the corrupter of the virtue, of his ſervants, his tenants, his neighbourhood; to be the author to them, of peace or contention, of ſobriety or diſſoluteneſs, of comfort or diſtreſs. This power, whenceſoever it proceeds, whether expreſsly conferred or ſilently acquired (for I ſee no difference in the two caſes), brings along with it obligation, and reſponſibility. It is to be lamented when this conſideration is not known, or not attended to. Two cauſes appear to me to obſtruct, to men of this deſcription, the view of their moral ſituation. One is, that they do not perceive any *call* upon them at all; the other, that, if there be one, they do not ſee to what they are called. To the firſt point I would anſwer in the words of an excellent moraliſt *, "The delivery of the talent is the call:" it is the call of Providence, the call of Heaven. The ſupply of the means, is the requiſition of the duty. When we find ourſelves in poſſeſſion of faculties

* The late Abraham Tucker, Eſq. author of *The Light of Nature*, and of *The Light of Nature and Revelation purſued*, by Edward Search, Eſq.

and opportunities, whether ariſing from the endowments and qualities of our minds, or from the advantages of fortune and ſtation, we need aſk for no further evidence of the intention of the donor: we ought to ſee in that intention a demand upon us for the uſe and application of what has been given. This is a principle of natural as well as revealed religion; and it is univerſal. Then as to the ſecond enquiry, the ſpecies of benevolence, the kind of duty to which we are bound, it is pointed out to us by the ſame indication. To whatever office of benevolence our faculties are beſt fitted, our talents turned; whatever our opportunities, our occaſions, our fortune, our profeſſion, our rank or ſtation, or whatever our local circumſtances, which are capable of no enumeration, put in our power to perform with the moſt advantage and effect, that is the office for us: that it is, which, upon our principle, we are deſigned, and, being deſigned, are obliged to diſcharge. I think that the judgement of mankind does not often fail them in the choice of the objects or ſpecies of their benevolence: but what fails them is the ſenſe of the obligation, the conſciouſneſs of the connection between duty and power, and, ſpringing from this conſciouſneſs, a diſpoſition to ſeek opportunities, or to embrace thoſe that occur, of rendering themſelves uſeful to their generation.

Another cauſe, which keeps out of the ſight of thoſe who

are concerned in them, the duties that belong to ſuperior ſtations, is a language, from their infancy familiar to them, viz. that they are placed above work. I have always conſidered this as a moſt unfortunate phraſeology. And, as habitual modes of ſpeech have no ſmall effect upon public ſentiment, it has a direct tendency to make one portion of mankind envious, and the other idle. The truth is, every man has his work. The kind of work varies, and that is all the difference there is. A great deal of labour exiſts beſide that of the hands; many ſpecies of induſtry beſide bodily operation, equally neceſſary, requiring equal aſſiduity, more attention, more anxiety. It is not true therefore that men of elevated ſtations are exempted from work; it is only true that there is aſſigned to them work of a different kind: whether more eaſy, or more pleaſant, may be queſtioned; but certainly not leſs wanted, not leſs eſſential to the common good. Were this maxim once properly received as a principle of conduct, it would put men of fortune and rank upon enquiring, what were the opportunities of doing good (for ſome, they may depend upon it, there are) which, in a more eſpecial manner, belonged to their ſituation or condition: and were this principle carried into any thing like its full effect, or even were this way of thinking ſufficiently inculcated, it would completely remove the invidiouſneſs of elevated ſtations. Mankind would

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ſee in them this alternative. If ſuch men diſcharged the duties which were attached to the advantages they enjoyed, they deſerved theſe advantages. If they did not, they were morally ſpeaking in the ſituation of a poor man who neglected his buſineſs and his calling; and in no better. And the proper reflection in both caſes is the ſame: the individual is in a high degree culpable, yet the buſineſs and the calling beneficial and expedient.

The habit and the diſpoſition which we wiſh to recommend, namely that of caſting about for opportunities of doing good, readily ſeizing thoſe which accidentally preſent themſelves, and faithfully uſing thoſe which naturally and regularly belong to our ſituations, appear to be ſometimes checked by a notion, very natural to active ſpirits, and to flattered talents. They will not be content to do little things. They will either attempt mighty matters, or do nothing. The ſmall effects, which the private endeavours of an individual can produce upon the maſs of ſocial good, is ſo loſt, and ſo unperceived, in the compariſon, that it neither deſerves, they think, nor rewards the attention which it requires. The anſwer is, that the compariſon, which thus diſcourages them, ought never to be made. The good which their efforts can produce, may be too minute to bear any ſenſible proportion to the ſum of public happineſs, yet may be their ſhare; may be enough

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for them. The proper queſtion is not, whether the good we aim at be great or little; ſtill leſs, whether it be great or little in compariſon with the whole; but whether it be the moſt which it is in our power to perform. A ſingle action may be, as it were, nothing to the aggregate of moral good; ſo alſo may be the agent. It may ſtill therefore be the proportion, which is required of *him*. In all things nature works by numbers. Her greateſt effects are achieved by the joint operation of multitudes of, ſeparately conſidered, inſignificant individuals. It is enough for each that it executes its office. It is not its concern, becauſe it does not depend upon its will, what place that office holds in, or what proportion it bears to, the general reſult. Let our only compariſon therefore be, between our opportunities and the uſe which we make of them. When we would extend our views, or ſtretch out our hand, to diſtant and general good, we are commonly loſt and ſunk in the magnitude of the ſubject. Particular good, and the particular good which lies within our reach, is all we are concerned to attempt, or to enquire about. Not the ſmalleſt effort will be forgotten; not a particle of our virtue will fall to the ground. Whether ſucceſsful or not, our endeavours will be recorded; will be eſtimated, not according to the proportion which they bear to the univerſal intereſt, but according to the relation which they hold to our means and opportunities; according to the diſintereſtedneſs,

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the ſincerity, with which we undertook ; the pains and perſeverance with which we carried them on. It may be true, and I think it is the doctrine of ſcripture, that the right uſe of great faculties or great opportunities, will be more highly rewarded, than the right uſe of inferior faculties and leſs opportunities. He that, with ten talents, had made ten talents more, was placed over ten cities. The neglected talent was alſo given to him. He who, with five talents, had made five more, though pronounced to be a good and faithful ſervant, was placed only over five cities *. This diſtinction might, without any great harſhneſs to our moral feelings, be reſolved into the will of the ſupreme benefactor : but we can ſee perhaps enough of the ſubject to perceive that it was juſt. The merit may reaſonably be ſuppoſed to have been more in one caſe, than the other. The danger, the activity, the care, the ſolicitude, were greater. Still both received rewards, abundant beyond meaſure when compared with the ſervices, equitable and proportioned when compared with one another.

That our obligation is commenſurate with our opportunity, and that the poſſeſſion of the opportunity is ſufficient, without any further or more formal command, to create the obligation, is a principle of morality and of ſcripture ; and is alike true in

* Mat. xxv. 25 et ſeq.

all countries. But that power and property ſo far go together, as to conſtitute private fortunes into public ſtations, as to caſt upon large portions of the community occaſions which render the preceding principles more conſtantly applicable, is the effect of civil inſtitutions, and is found in no country more than in ours; if in any ſo much. With us a great part of the public buſineſs of the country, is tranſacted by the country itſelf: and upon the prudent and faithful management of it, depends, in a very conſiderable degree, the interior proſperity of the nation, and the ſatisfaction of great bodies of the people. Not only offices of magiſtracy, which affect and pervade every diſtrict, are delegated to the principal inhabitants of the neighbourhood, but there is erected in every county a high and venerable tribunal, to which owners of permanent property, down almoſt to their loweſt claſſes, are indiſcriminately called; and called to take part, not in the forms and ceremonies of the meeting, but in the moſt efficient and important of its functions. The wiſdom of man hath not deviſed a happier inſtitution than that of juries, or one founded in a juſter knowledge of human life, or of the human capacity. In juriſprudence, as in every ſcience, the points ultimately reſt upon common ſenſe. But to reduce a queſtion to theſe points, and to propoſe them accurately, requires not only an underſtanding ſuperior to that which is neceſſary to decide upon them when propoſed,

propoſed, but oftentimes alſo a technical and peculiar erudition. Agreeably to this diſtinction, which runs perhaps through all ſciences, what is preliminary and preparatory, is left to the legal profeſſion; what is final, to the plain underſtanding of plain men. But ſince it is neceſſary that the judgement of ſuch men ſhould be informed; and ſince it is of the utmoſt importance that advice, which falls with ſo much weight, ſhould be drawn from the pureſt ſources; judges are ſent down to us, who have ſpent their lives in the ſtudy and adminiſtration of the laws of their country, and who come amongſt us, ſtrangers to our contentions, if we have any, our parties and our prejudices; ſtrangers to every thing, except the evidence which they hear. The effect correſponds with the wiſdom of the deſign. Juries may err, and frequently do ſo; but there is no ſyſtem of error incorporated with their conſtitution. Corruption, terror, influence, are excluded by it; and prejudice, in a great degree, though not entirely. This danger, which conſiſts in juries viewing one claſs of men, or one claſs of rights, in a more or leſs favorable light than another, is the only one to be feared, and to be guarded againſt. It is a diſpoſition, which, whenever it riſes up in the minds of jurors, ought to be repreſſed, by their probity, their conſciences, the ſenſe of their duty, the remembrance of their oaths.

And this inſtitution is not more ſalutary, than it is grateful

and honorable to thoſe popular feelings of which all good governments are tender. Hear the language of the law. In the moſt momentous intereſts, in the laſt peril indeed of human life, the accuſed appeals to God and his country, "which country you are." What pomp of titles, what diſplay of honors, can equal the real dignity, which theſe few words confer upon thoſe to whom they are addreſſed? They ſhew, by terms the moſt ſolemn and ſignificant, how highly the law deems of the functions and character of a jury: they ſhew alſo, with what care of the ſafety of the ſubject it is, that the ſame law has provided for every one a recourſe to the fair and indifferent arbitration of his neighbours. This is ſubſtantial equality; real freedom: equality of protection; freedom from injuſtice. May it never be invaded; never abuſed! May it be perpetual! And it will be ſo, if the affection of the country continue to be preſerved to it, by the integrity of thoſe who are charged with its office.

FINIS.